

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO. 1991 OF 2021

Shubham Vijay Banik

..Applicant

V/s.

The State of Maharashtra

..Respondent

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Mr. K.S. Patil Ms. Saili Dhuru for the Applicant.

Mr. S.R. Agarkar, APP for the Respondent/State.

Ms. Angela Singh i/b Hulyalkar and Asso. For the intervenor.

PSI Sachin Pawar, Bandgarden Police Station, Pune.

CORAM : C.V. BHADANG, J.

DATE : 28 FEBRUARY 2022

P.C.

1. The Applicant, apprehending his arrest, in connection with the investigation of Crime No. 134 of 2021 registered with Bandgarden Police Station, Dist. Pune under Section 376, 313, 323 read with Section 34 of IPC, is seeking anticipatory bail.

2. The aforesaid crime is registered on the basis of the complaint lodged by victim on 16.06.2021. The victim is about 30 years of age.

3. I have heard the learned counsel for the parties. Perused record.

4. The learned counsel for the Applicant submitted that the FIR discloses that the relationship was consensual and there was no element of force.

5. The record discloses that the Applicant was granted interim protection by the learned Sessions Court which was continued by order dated 24.08.2021 and the subsequent orders.

5. The learned APP on instructions from the Investigating Officer states that the Applicant has reported to the Investigating Officer and has co-operated with the investigation. The only submission is that the presence of the Applicant is required for subjecting him to medical examination.

6. The learned counsel for the Applicant states that the Applicant shall report to the Investigating Officer whenever required for medical examination.

7. The learned counsel for the Respondent/complainant states that she has some documents to produce which she shall produce before the Investigating Officer.

8. In such circumstances, the following order is passed:

ORDER

i) In the event of his arrest, in connection with the investigation of Crime No. 134 of 2021 registered with

Bandgarden Police Station, Dist. Pune, the Applicant **Shubham Vijay Banik** shall be released on bail on executing a PR Bond in the sum of Rs.25,000/- with one or two solvent sureties in the like amount.

ii) The Applicant shall report to the Investigating Officer as and when required by the Investigating Officer for being subjected for medical examination.

iii) The Applicant shall not directly or indirectly make any attempt to contact the victim or any other witnesses and shall not otherwise tamper with the prosecution evidence/witnesses.

iv) The Criminal application is disposed of in the aforesaid terms.

(C.V. BHADANG, J.)